IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1117 OF 2006

Vijay Vasant Sanglikar ..Applicant

versus

The State of Maharashtra & Ors. ..Respondents

Ms. S. Y. Mohite for the Applicant.

Mr. S. S. Pednekar, APP for the Respondents - State.

CORAM : R. S. MOHITE, J.
DATE : 29TH MARCH, 2006

P.C. :

1. This is an application impugning the order dated 6.2.2006 passed by the Appellate Court regarding interim stay granted to the recovery of fine amount / compensation of Rs.7,00,000/- passed in the judgment of the trial court delivered in C.C. No. 5448/SS/2005 on condition to deposit Rs.2,00,000/- on or before 31.3.2006 and to deposit rest of the amount @ Rs.50,000/- thereafter by every fortnight. Advocate for the applicant pointed out various judgments of the Apex Court wherein conditional stay was granted on deposit of 25% of

the amount. There is no fix rule in this regard. Advocate for the applicant, today, tenders a written undertaking of the applicant dated 29.3.2006, undertaking to deposit the amount of Rs.2,00,000/- in the Appellate Court on or before 26.5.2006. Undertaking is accepted, taken on record and marked 'X' for identification.

2. In this view of the matter, if an amount of Rs.2,00,000/- is deposited on or before 26.5.2006, then the impugned order dated 6.2.2006 will stand modified and the interim stay will stand granted pending the disposal of the appeal, without requirement of making any further payment of amount. If, however, the amount of Rs.2,00,000/- is not deposited as per the undertaking on or before 26.5.2006, the interim stay for the recovery of fine amount / compensation amount of Rs.7,00,000/- will stand vacated and suspension of the substantive sentence of imprisonment will also stand vacated. With these directions, the Application stands disposed.

(R. S. MOHITE, J.)